

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division



GEORGE NATHANIEL RIDDICK, JR.,

Plaintiff,

v.

ACTION NO. 2:12cv34

CAROLYN W. COLVIN,
Acting Commissioner of the Social
Security Administration,

Defendant.

FINAL ORDER

Plaintiff brought this action under 42 U.S.C. §§ 405 (g) and 1383(c)(3) seeking judicial review of the decision of the Commissioner of the Social Security Administration ("Commissioner") denying plaintiff's claim for disability insurance benefits ("DIB") and supplemental security income ("SSI"), under the Social Security Act.

On August 14, 2012, this matter was referred to a United States Magistrate Judge, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72(b) of the Federal Rules of Civil Procedure for report and recommendation. Report of the magistrate judge was filed on February 28, 2013, recommending that the decision of the Commissioner be affirmed. By copy of the report, each party was advised of the right to file written objections to the findings and recommendations made by the magistrate judge. The

court received Plaintiff's Objections to the Report and Recommendation of the Magistrate Judge on March 12, 2013, and Defendant's Response to Plaintiff's Objections to Magistrate Judge's Report and Recommendation was filed on March 13, 2013.

The court, having examined the objections to the Magistrate Judge's Report and having made de novo findings¹ with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report of the United States Magistrate Judge filed February 28, 2013. Accordingly, the final decision of the Commissioner is **AFFIRMED**; defendant's Motion for Summary Judgment is **GRANTED**; plaintiff's Motion for Summary Judgment is **DENIED**, and the Clerk shall enter judgment for the defendant.

The parties may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street,

¹ The defendant argues that the plaintiff's Objections repeat "the same arguments asserted ... in his motion for summary judgment," and, therefore, do not require de novo review by this court. Resp. at 1-2. For support, the defendant cites only non-binding precedent from the Southern District of New York and the District of Puerto Rico. Id. at 2. Although the plaintiff's arguments do, indeed, concern some of the same issues presented earlier, the Objections are neither "perfunctory" nor a simple "rehash" of the Motion for Summary Judgment. Cf. Edwards v. Fischer, 414 F. Supp. 2d 342, 347 (S.D.N.Y. 2006); Gonzalez-Ramos v. Empresas Berrios, Inc., 360 F. Supp. 2d 373, 376 (D.P.R. 2005). Rather, the plaintiff presents a reasoned, albeit ultimately unpersuasive, objection to Judge Leonard's Report. Accordingly, the court conducted a de novo review in accordance with 28 U.S.C. § 636(b)(1) and Rule 72(b)(3).

Norfolk, Virginia 23510, within sixty (60) days from the date of entry of such judgment.

The Clerk shall forward a copy of this Order to counsel for the parties.

/s/
Rebecca Beach Smith
Chief
United States District Judge *RBS*

REBECCA BEACH SMITH
CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
March 21, 2013